

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, DECEMBER 5, 2006.

**Board Members Present:**     **John F. Coates, Chairman**  
   **Steven E. Nixon, Vice-Chairman**  
Larry W. Aylor  
William C. Chase, Jr.  
Sue D. Hansohn  
Brad C. Rosenberger  
Steven L. Walker

**Staff Present:**                     Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
John C. Egertson, Planning Director  
Sam McLearen, Zoning Administrator  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 7:00 pm.

**CITIZEN FORUM**

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Mr. D. R. Griffith, Stevensburg District, presented a letter to the Board in which he stated that the Bowen tract was noncompliant with County, Federal and State statutes and, as a result, its approval was null and void. He said that in accordance with the County's Subdivision Ordinance, the County Attorney was required to begin criminal proceedings against those who approved the tract, including the Planning Director, the Planning Commission, and the Board of Supervisors.

Mr. George Bryson, Jefferson District, expressed his continued concern regarding an inappropriate entrance to a subdivision adjacent to his property. He also expressed his intention to file a grievance against the *Culpeper Star-Exponent* and Media General News regarding news articles published about his family's ancestors. He asked that a Federal prosecutor investigate all of the complaints he had brought to the Board's attention.

With no further comments, Mr. Coates closed the Citizen Forum.

**AGENDA ADDITIONS AND/OR DELETIONS**

Mr. Nixon moved, seconded by Mr. Aylor, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**PUBLIC HEARING (S)**

**THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER DEDICATING 0.176 ACRES TO VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF ROUTE 229 AND GRANT AN EASEMENT TO VERIZON TO RELOCATE THE UTILITIES**

Mr. Paul Howard, Environmental Services Director, asked the Board to consider a request from VDOT to dedicate a right-of-way of 0.176 acres in order to widen Route 229 in front of the County's 40-acre parcel that was donated to the County by Angler Development. He said the request included a 0.169 acre easement to Verizon to relocate utilities.

Mr. Coates asked why one easement could not handle both requests. Mr. Howard replied that the right-of-way was to VDOT for road improvements, and the easement was for Verizon to relocate utilities. Mr. Coates asked whether the utilities would be in the State right-of-way. Mr. Howard replied that the utilities would be outside the right-of-way.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the dedication to VDOT and to grant an easement to Verizon.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**NEW PLANNING COMMISSION BUSINESS**

**CASE NO. Z-412-06-1.** Request by Culpeper Business Centre, LLC, to rezone 5.00 acres from R-3 (Residential) to CS (Commercial Services). The Comprehensive Plan designates this area for Commercial use, but does not specify proposed density. The property is located on Route 29 and Route 686 in the Cedar Mountain Magisterial District. Tax Map/Parcel No. 51/6F.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the rezoning request to be consistent with the Comprehensive Plan; additionally, the property was best suited for commercial zoning. He said the Planning Commission was recommending to the Board of Supervisors that the rezoning request be approved with the acceptance of the proffers.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property adjacent to 84 Lumber and across the street from residential development. He said that Culpeper Business Centre had requested a rezoning from R-3 (Residential) to CS (Commercial Services) to allow for the construction of two hotels. The applicant was proposing a 96-room

Hampton Inn and a 90-room Homewood Suites, and the overall concept plan for the property included two restaurant pad sites within C2 (Commercial) zoning that was part of the existing Culpeper Business Centre property. He noted that the existing R-3 zoning would allow for a multifamily development up to 48 units, and the proposed rezoning request was consistent with the Comprehensive Plan which designated the property for commercial use on the future land use plan.

Mr. Egertson explained that the applicant had submitted a proffer statement that would assure substantial conformance with the concept plan that voluntarily prohibited several by-right uses that would generally be incompatible with the residential use across the street. He said that public water and sewer services would be required by the proffers, as well as the existing Culpeper Business Centre's drainfields to be connected to sewer service or the existing drainfields to be relocated. He stated that services would be provided by the Town or the County Water Authority at the sole discretion of the County, and the ultimate service to the property would be determined during the site plan review by the County. He noted that the proffers also included assurance that any site plan would include consideration of low-impact development techniques.

Mr. Egertson stated that the applicant had prepared a traffic study that had been reviewed and accepted by VDOT, and the proffered transportation improvements were based upon the findings of that study and the VDOT review. He further stated that the applicant would construct a right-turn lane on Route 686 prior to occupancy of the first hotel; that prior to occupancy of any additional building, the right-turn lane would be extended and a left-turn lane would be constructed; and that a contribution of 50 percent of the cost of a traffic signal at Routes 15 and 686 would be made upon submission of building plans for any building beyond the first hotel.

Mr. Egertson elaborated on the traffic signal proffer by stating that it was VDOT's opinion, substantiated by the traffic study, that this project would have some impact at each end of Route 686, at Route 15 and at Route 522, but there was not enough impact from this development to warrant a signal at either location based on the development alone. In conjunction with the existing traffic and projected future development, it was anticipated that signalization would eventually be needed, and this project obviously would be a contributing factor and was the basis of the 50 percent contribution. He said that while the applicant had proffered a 50 percent contribution toward the signal at Routes 686 and 15, it was likely that signalization at Routes 686 and 522 would be proffered or partially proffered by other

development at that intersection. He indicated that VDOT should be in a position to utilize State funds to provide the other 50 percent of that signal. He felt the proffer ensured that the developer would pay his fair share and any future rezoning proposals would be expected to do the same, and based upon background traffic that already existed, it was reasonable to expect the State and/or the County to participate in the cost as well.

Mr. Egertson stated that the request conformed to the Comprehensive Plan, and it was recommended for approval with acceptance of the proffers.

Mr. Nixon acknowledged that the 50 percent proffer by the applicant toward the cost of the traffic light was appropriate and asked what would occur should VDOT not have the matching 50 percent. Mr. Egertson replied that VDOT had funds for signalization, but did not offer a guarantee. He added that every rezoning would be treated in a similar manner, and if there were other development along that corridor that would have an impact and the timing was right, the remaining 50 percent could be obtained from another developer at another time.

Mr. Nixon asked how the 50 percent figure was determined to be a fair share for the applicant. Mr. Egertson replied the calculation was based on the traffic study, reviewed in detail by VDOT, and what impact a two-hotel and two-restaurant proposal would have on that intersection and the percentage of the traffic generated.

Mr. Coates asked whether right-of-way would be available for a left-turn lane on Route 686. Mr. Egertson replied that there would be a right-of-way which would be taken into account on the site plans. He said the proffer required that if the applicant proceeded beyond that first hotel, before either the second hotel or either of the restaurants were built, a 300 foot left-turn lane would have to be constructed with a 100-foot taper.

Mr. Walker asked whether the applicant could pay 100 percent of the cost of the traffic light if he felt it would be of benefit to his business. Mr. Egertson replied that could be done if the developer wished to do so, but the traffic study supported the fact that the applicant would cause only 50 percent of the problem.

Mr. Walker asked whether landscaping would be considered during site plan review. Mr. Egertson replied that it would be. He said there was a lengthy discussion at the Planning Commission meeting regarding landscaping and lighting because of residential development across the street. He stated that the Board recently adopted stringent ordinances on both landscaping and lighting, and the Entrance Corridor District Ordinance would apply because of the frontage on Route 29. He felt that all of the controls were in place to ensure a quality development at the site plan level.

Mr. Walker asked whether additional separation space would be required for buffering in view of the residential properties across the street. Mr. Egertson replied that no increased setback was required, but by utilizing the Entrance Corridor District, a berm or some substantial aesthetic treatment would be required across the front of the property.

Mr. Walker asked whether storm water management would be considered. Mr. Egertson replied that any storm water management requirements adopted by the Board prior to submission of the site plan would be enforced.

Mr. Dan Painter, Dewberry in Culpeper, stated that the request for rezoning from R-3 to CS was to accommodate the development of two hotels on the site located between Lovers Lane and Route 29. He felt the key to the request was that the site was between the Culpeper Business Centre on the south side and 84 Lumber on the north side, both of which were zoned either commercial or industrial. He said the request to rezone to CS would be in conformance with the County's Comprehensive Plan and would be a much better use than building 14 single family dwelling units, 25 town homes, or 40 multifamily dwellings. The two hotels proposed would be Hilton franchises: The first one, a 96-room Hampton Inn, located on the west side of the site adjacent to Route 29; and the second, a 90-room Homewood Suites, would be built after completion of the Hampton Inn.

Mr. Painter stated that the Culpeper Business Centre was served by a septic system and would be replaced by either a new septic or preferably be connected to the Town's sewer line that ran from Continental Teves into the Town's sewer plant. He also stated that the proffers offered would disallow a number of uses that would not be desirable across from residential properties.

Mr. Painter explained that the property at the Lovers Lane end was approximately 12 feet higher than the road and sloped down to Route 29, and they planned to level off the site so that the ground floor of the hotels would be approximately 5 or 10 feet below the surface of Lovers Lane. An approximate 10-foot berm would be built along Lovers Lane and evergreen trees would be planted that would grow to a mature height of 40 to 60 feet to provide substantial buffering. He added there were substantial setback requirements already contained in the County Code: 80 feet on Lovers Lane and 125 feet on Route 29. He noted that 84 Lumber was 25 feet high, and after leveling the proposed site and building below grade, the 84 Lumber building would be approximately 35 feet, compared to the 40 to 45 feet of the proposed hotels and approximately the same height as the existing Culpeper Business Centre.

Mr. Painter felt that with depressing the buildings into the site and providing the substantial berm and plantings, the impact on residents across the street would be minimal. He mentioned that the one house directly across from the site already had a substantial buffer with evergreen trees approximately 20 feet in height.

Mr. Coates opened the public hearing and called for public comments.

Mr. Tom Linquist, Cedar Mountain District, stated he was the resident directly across from the building site. He spoke at length regarding the commercial development occurring in the residential neighborhood. He asked the Board to consider (1) the long-range impact on the area by increased traffic and noise; (2) the significant revenue being brought to the County by the current residents; (3) including the proffers and requirements for screening in any zoning approval; and (4) having VDOT take a closer look at the sharp curve and elevation on Lovers Lane at the proposed hotel site.

With no further comments, Mr. Coates closed the public hearing.

Mr. Aylor stated that the case was an example of smart growth because it would provide jobs and services, as well as a tax base for a growing community. He felt that the concerns of the neighbors could be addressed at site plan review and through the ARB.

Mr. Aylor moved, seconded by Mrs. Hansohn, to approve the rezoning request as recommended by the Planning Commission.

Mr. Coates asked for additional information regarding how the Overlay District and lighting requirements would apply. Mr. Egertson explained that the implementation of the new lighting and landscaping ordinances would provide sufficient controls, and the Architectural Review would provide the ability to review the structures themselves.

Mr. Walker stated he would like to have the Board study the transportation issues in a more comprehensive manner before moving forward with the project. He referenced the conversation earlier regarding the proposed transportation work session. Mr. Coates agreed with Mr. Walker and expressed his concern regarding the Route 15 connection to Lovers Lane, adjacent to the ramp at the bypass.

Mr. Chase asked for confirmation that VDOT had reviewed the proposal. Mr. Egertson replied that the County received recommendations from VDOT in writing and the proffers conformed to those recommendations.

Mr. Coates agreed that the Board had to rely on VDOT to review all of the plans, but he was concerned that only minimum standards were being applied.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger

Nays - Coates, Walker

Motion carried 5 to 2.

**CASE NO. Z-414-06-1.** Request by Khurram Rashid to rezone 8.387 acres from R-1 (Residential) and C-2 (Commercial) to CS (Commercial Services). The Comprehensive Plan designates this area for Commercial use, but does not specify proposed density. The property is located on Route 3, Route 522 and Route 658 in the Stevensburg Magisterial District. Tax Map/Parcel Nos. 51/87, 87B1.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the rezoning request to be consistent with the Comprehensive Plan. He said the Planning Commission was recommending to the Board of Supervisors that the request be approved with the acceptance of the proffers.

Mr. Egertson informed the Board that letters had been received from Mr. John Foote, Counsel for Packard Humanities Institute, and Mr. Butch Davies, on behalf of the applicant, requesting that the application be postponed for 30 days. He said that staff had no problem with postponing the case for 30 days.

Mr. Coates asked Mr. Egertson whether he had any advance notice. Mr. Egertson replied that he received Mr. Foote's letter via email December 4, and Mr. Davies' letter December 4 (day of meeting) requesting the postponement.

Mr. Coates stated there may be individuals in the audience to speak on the case. After discussion, the Board agreed to open the public hearing prior to any action.

Mr. Coates opened the public hearing for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Nixon, to postpone the request for 30 days.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**CASE NO. U-2110-06-1.** Request by Thomas and Karen Beall for approval of a use permit to allow the operation of a small engine repair shop. The property is located on Route 620 in the Stevensburg Magisterial District and contains 3.48 acres. Tax Map/Parcel No. 67/61.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be

consistent with Article 17 and Article 27 of the Zoning Ordinance with the following conditions:

1. Business hours shall be limited to 8:00 a.m.– 5:00 p.m., Monday–Saturday.
2. All equipment, engines, mowers, etc., which are under repair or waiting to be repaired, or related to the business in any way shall be stored inside of or behind the existing (garage) structure, fully screened from view. Up to five (5) resale lawnmowers may be displayed at the property.
3. One existing entrance shall be closed and the existing house entrance shall be utilized in accordance with VDOT recommendations prior to commencement of operation of the business.
4. This permit shall be valid for a period of two (2) years.

Mr. McLearen said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the referenced conditions.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property. He said the request was to utilize a detached garage located on the same property as the applicant's home for operation of a small engine repair business. He reviewed the conditions imposed by the Planning Commission and called the Board's attention to #3 that stated one existing entrance would be closed and the existing house entrance would be utilized in accordance with VDOT recommendations. He said that was an important condition because the property had multiple driveways, one of which was on a curve and led directly to the building that would be utilized as a shop. He noted the driveway further south where the home was located could be utilized to access the business. He emphasized for the applicant's information that Mr. Donald B. Gore, VDOT Residency Administrator, visited the property today to measure sight distance. He was still comfortable with condition #3, but would require the applicant to remove some portions of the fence and some shrubs that surrounded each of the existing entrances.

Mr. Coates asked whether the applicant would be selling lawnmowers, as well as repairing them. Mr. Egertson replied that the applicant repaired lawnmowers but occasionally bought and rehabilitated mowers for resale.

Mr. Thomas Beall, applicant, stated he had previously operated a small engine repair business at the current location for six and a half years and would like to reopen it. He said he agreed to the conditions imposed by the Planning Commission and would agree with the latest request by VDOT to remove some fencing and shrubs at the existing entrances.

Mr. Nixon asked Mr. Beall whether he would have any problem with the recommendation by VDOT to close one of the entrances to the property and to divert traffic to the business by his



home. Mr. Beall stated he currently had three driveways that connected, and he would do whatever VDOT recommended. He added he had already trimmed some of the bushes back.

Mr. Coates opened the public hearing and called for public comments.

Mr. M. T. Brown, Stevensburg District, stated he lived on the curve being discussed and his major concern was the sight distance. He said he had written and called VDOT on numerous occasions regarding the sight distance issue. He noted that a gentlemen testified at the Planning Commission meeting that 14 accidents had occurred on the curve alone. He called the Board's attention to the *Code of Virginia* section that stipulated a private driveway was to be used for one or two dwellings, and Mr. Beall would be using a driveway for commercial traffic which would not meet minimum standards.

Mr. Ronnie Lee, Stevensburg District, stated he had lived on adjacent property for 23 years and knew of very few accidents on that curve. He said if Mr. Beall closed the driveway on the curve and used the entrance to his home, it would solve most of the sight distance problems. He asked that the Board approve the request as the shop would be an asset to the community.

Mr. Larry Genshaw, Stevensburg District, stated he was a neighbor of Mr. Beall's and was familiar with Yellow Bottom Road. He said Mr. Beall wanted to run a small business and asked the Board to approve his request.

Mr. Russell Jenkins, Stevensburg District, stated he had lived in the neighborhood for 32 years and worked with the Rescue Squad for 12 years, and he could recall working only one accident on the curve in question. He said Mr. Beall helped the elderly people in the area and asked the Board approve the request for a use permit.

Mr. Steve Settle, Stevensburg District, stated he was a neighbor of both Mr. Beall and Mr. Brown. He said he had no objection to Mr. Beall's opening a small engineer shop.

Ms. Linda Watson, Stevensburg District, said her home was directly across from the Beall's home and the business. She noted that traffic had never been an issue, and she would like to see Mr. Beall have a small engineer repair shop.

Ms. Marion Watson, Stevensburg District, stated she lived across the road and spoke in favor of the repair shop.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase stated that he was familiar with the road and the neighborhood. He said the case was not a rezoning, but a use permit request that could be reviewed after two years and carried conditions imposed by the Planning Commission.

Mr. Chase moved, seconded by Mr. Walker, to approve the use permit in accordance with the recommendation of the Planning Commission, with the conditions noted.

Mr. Coates agreed that any problems could be addressed at renewal time. Mr. Egertson noted that the conditions imposed would be enforceable for the entire time and would be reviewed at renewal.

Mr. Walker asked whether the motion would cover the additional recommendation by VDOT. Mr. Egertson replied that the condition indicating the existing house entrance would be utilized in accordance with the recommendations of VDOT should cover the additional recommendation.

Mr. Coates asked whether anyone from the Planning Office visited the site. Mr. Egertson replied that a staff member went out and took photographs, but he had not visited the site.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**CASE NO. Z-416-06-1.** Request by Dean and Denise Head to rezone 21.04 acres from R-1 (Residential) to RA (Rural Area). The Comprehensive Plan designates this area as Rural, and proposes a maximum density of 1-unit/3 acres. The property is located off Route 643 in the Salem Magisterial District. Tax Map/Parcel No. 38/36A1.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the rezoning application to be consistent with the Comprehensive Plan. He said the Planning Commission was recommending to the Board of Supervisors that the rezoning request be approved.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property that bordered both R-1 (Residential), the current zoning, and RA (Rural Area) zoning being proposed. He recalled the Board had approved a use permit for the previous property owner to allow three horses in an R-1 zone. He said the current owners would like to follow the advice given by the Planning Commission during the use permit process to change the zoning to RA to conform with the Comprehensive Plan. He said the request was ready for the Board's consideration and was recommended for approval.

Mr. Nixon asked whether the use permit would be voided if the rezoning were approved. Mr. Egertson stated that the use permit would be null and void since the right to keep horses would be a matter of right.

Mr. Nixon asked whether there were any other conditions imposed on the use permit that should be considered. Mr. Egertson replied that the use permit carried a condition regarding a waste removal plan or farm plan involving the Soil and Water Conservation District, but it could not be a condition when rezoning. He felt that the property did fit with the surrounding RA zoning and pointed out that Mountain Run was a natural dividing line to the north and west.

Mr. Nixon noted that if the rezoning were approved, more than three horses could be kept. Mr. Egertson agreed and added that other types of animals could be kept as well.

Mr. Coates asked for clarification regarding the adjacent residential property. Mr. Egertson stated there was a recently created subdivision on the other side of Mountain Run, but he felt that Mountain Run would be a natural divider.

Mr. Dean Head, applicant, stated he and his wife were trying to follow through on the recommendation of the Planning Commission to rezone the property. He said they would keep some horses and may wish to have other animals, such as chickens. He said it was important to note that the property had only a small strip of road frontage and was not appropriate for any other uses.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn stated she was familiar with the property, and it was perfect for horses and farm animals.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the rezoning as recommended by the Planning Commission.

Mr. Aylor expressed concern regarding the R-1 zoning to the north side and asked if there were any protections built in for that area. Mr. Egertson stated there were setback requirements, such as 200 feet from the property line for hogs and 150 feet for chickens, and Mountain Run would be a natural divider as well.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**ALLIED COMMERCIAL PARK – 10 LOT SUBDIVISION.** Request by Allied Concrete Co. for approval of a 10-lot subdivision. The property is located on Route 666 and Route 15/29 in the Stevensburg Magisterial District and contains 52.71 acres. Tax Map/Parcel Nos. 42/37A, 37A1.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be consistent with the Zoning and Subdivision Ordinances. He said the Planning Commission was recommending to the Board of Supervisors that the subdivision be approved.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property that was situated on the corner of the 15/29 bypass and Route 666. He said the property was rezoned to HI, Heavy Industrial, a number of years ago, and the current owner, Allied Concrete, would like to locate its plant there. He stated that in accordance with the proffers on the zoning, Allied had constructed a spine road through the property that stubbed into adjacent property. The spine road would split the property in half and Allied planned to create a 10-lot subdivision for a business park with industrial type uses north of the spine road and attractive commercial type uses would be visible from Route 29. He stated that the request conformed with the requirements of the Subdivision and Zoning Ordinance, it carried all agency approvals, and it was recommended for approval.

Mr. Walker inquired whether the necessary easements and requests for access to the property had been made a part of the rezoning in view of the anticipated change in constructing the future interchange at that location. Mr. Egertson pointed out that the request was for a subdivision and not a rezoning. He stated there was a large lot in the lower, left-hand corner of the property and a drainfield in the upper right-hand portion, with an open area should VDOT determine the diamond interchange needed to be modified.

Mr. Coates asked for additional information regarding the road that would serve Allied. Mr. Egertson stated that the road would line up with Rogers Road on the other side of Route 666, and eventually would tie into Nalle's Mill Road.

Mr. Chase asked whether the Entrance Corridor Overlay would apply. Mr. Egertson replied that the Entrance Corridor District would affect five of the lots that were between Route 29 and the spine road, and also six lots along Route 666, which was recently added to the Corridor District.

Mr. Egertson stated that Allied had been extremely cooperative in providing the County with easements for water and sewer lines along the road, and they understood the requirements of the Entrance Corridor District. Mr. Chase agreed that Allied had been very cooperative in his meetings with them.

Mr. Richard Cogan, representing Allied Concrete Company, stated he had discussed the entrance for the development with VDOT on several occasions. He understood that VDOT

would issue the permit for the entrance at the current location and planned to move Route 666 on the other side of Rogers and align it with the Allied entrance. He said that the rest of the design and layout were done in accordance with the 1995 agreement between the former owners and the Board of Supervisors. He stated that the original intent was to buy a small parcel of land for a ready mix plant, but ended up with the current project and subdivision, which they hoped to make available to others who were looking for small parcels of land to use for either heavy industrial or suitable commercial uses. He said that Allied had no problem with the Entrance Corridor Overlay District that would extend 500 feet back from U. S. 29 to the northern end of their new road, and they expected that area to be more of a commercial nature than heavy industrial. He added that they had selected the least visible site for the future construction of the ready mix plant so it should be well screened from view.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Aylor, to approve the subdivision request.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**ZONING ORDINANCE TEXT AMENDMENTS – ARTICLE 7.1B (INDUSTRIAL DISTRICT HI).**

The Board of Supervisors will consider Zoning Ordinance Text Amendments proposed by Richard P. Cogan. The amendments would impact Section 7.1B-6-1 by increasing maximum lot coverage from 60% to 75% and lowering maximum Floor Area Ratio from 1.5 to 1.0, and in Section 7.1B-7-1, the setback line requirements would be amended to allow a reduction in setback from 100 feet to 60 feet on lots, which are corner lots or have double frontage. No reduction in setback would be permitted on primary roads.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the proposed Zoning Ordinance Text Amendments to be appropriate. He said the Planning Commission was recommending to the Board of Supervisors that the proposed Zoning Ordinance Text Amendments be adopted.

Mr. Egertson explained that the proposed text amendments had been proposed by Allied Concrete Company, with minor changes by staff, and would be applicable County-wide to any heavy industrial or HI zoned property. He said that staff was in agreement with the proposed changes.

Mr. Egertson said that under Article 7.1B-6-1, on maximum lot coverage, the proposed changes would tighten the current Ordinance which allowed up to 60 percent of a lot to be covered by structures or up to a floor area ratio of 1.5, which could mean coverage of 100 percent of the lot. The proposal would increase the lot coverage maximum to 75 percent, but would reduce the floor area ratio to 1.0, a drastic reduction from 1.5. Most importantly, the word “or” would be replaced with “and” so that both criteria would have to be met, not just one or the other.

Mr. Egertson said that under Article 7.1B-7-1, on set back regulations, a 100-foot setback from any road would be required regardless of the type of road or how many frontages were on a road. This is fairly restrictive and uses up a lot of acreage for lots that might have multiple road frontages, such as corner lots or double front lots. The proposed amendment would allow a reduction from 100 feet to 60 feet on lots with multiple frontages; however, the 100-foot minimum would be maintained not only on any lots with single frontage, but also on any primary roads. He said, for instance, using the subdivision previously considered as an example, the 100-foot required setback from roads would be maintained on Route 29, but the setback could be reduced to 60 feet along the interior road or on some of the corner lots at Route 666.

Mr. Egertson stated that the changes were in line with the codes of other jurisdictions, and he was recommending the amendments for approval.

Mr. Nixon asked for clarification regarding the setbacks on Route 666 because it was basically a primary road. He also asked how Route 666 would be affected by the Overlay District. Mr. Egertson replied that since Route 666 was actually a secondary road, the setback would be reduced from 100 to 60 feet under the proposed amendment on a corner or multiple frontage lot. The Entrance Corridor Protection District would apply to Route 666 and provide architectural controls, landscaping, etc.

Mr. Coates opened the public hearing and called for public comments.

Mr. Richard Cogan pointed out that the proposed text amendments would affect not just Allied Concrete, but the entire County. He said the heavy industrial zone was probably the County's most intense zoning in the Zoning Ordinance and had the most value to a property owner, as well as to the County in the form of tax revenues. He explained that the purpose of the text amendments was to enable the utilization of the land to its highest capacity without adversely affecting any of the neighboring properties.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Hansohn, to approve the text amendments to the Zoning Ordinance.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**ADJOURNMENT**

Mrs. Hansohn moved to adjourn at 8:37 p.m.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

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Frank T. Bossio,  
Clerk to the Board

APPROVED: January 3, 2007